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OFFICE OF PETITIONS

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MINNEAPOLIS MN 55402

In re Application of :
Hancock, et al. : DECISION ON PETITION
Application No. 10/717,726 :
Filed: November 20, 2003 :
Atty. Dkt. No.: H0005279 :

This decision is in response to the petition under 37 CFR 1.181 to withdraw the holding of abandonment filed August 27, 2007.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**.

This application was held abandoned April 24, 2007 for failure to timely submit a proper reply to the final Office action mailed January 23, 2007. The final Office action set a three month period of time for reply. Notice of Abandonment was mailed August 3, 2007.

Petitioner alleges non-receipt of the final Office action mailed January 23, 2007 as a result of the USPTO's failure to mail the final Office action to the correct correspondence address. Petitioners argue that the change of correspondence address submitted November 10, 2006 was not entered, and, as a result, the final Office action was mailed to former counsel.

The change of correspondence address submitted November 10, 2006 was improper and, thus, the change of address was not entered. The change of correspondence address was not signed by one whose authority to represent either the inventors or an assignee was presented. There is no record that an assignment and a statement pursuant to 37 CFR 3.73(b) has been filed in this application. Accordingly, the power of attorney/change of correspondence address submitted by Miriam Jackson on November 10, 2006 was not proper. Ms. Jackson indicated she represented the assignee. No proof of assignment appears to have been submitted to the USPTO.

Nevertheless, the decision concerning withdrawal of attorney, mailed October 26, 2006, advised that the request to change the correspondence of record was not acceptable as the requested correspondence address is not that of either the first named

signing inventor or an intervening assignee of the entire interest under 37 C.F.R 3.71. Moreover, the decision advised that all future communications from the Office would be directed to the first named signing inventor until otherwise properly notified by the applicant.

While applicants failed to submit a proper change of correspondence address/power of attorney, the Office also failed to mail the final Office action to the first named inventor in accordance with the decision mailed October 26, 2006.

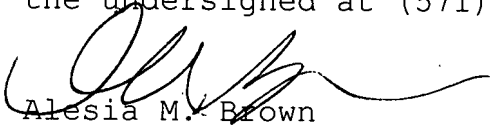
In view thereof, the Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

Petitioners are advised to **PROMPTLY** submit to the USPTO a proper change of correspondence address/power of attorney as the correspondence address associated with this application remains that of former counsel. While this decision is being mailed to both petitioners and former counsel, petitioners are heretofore put on notice that all future correspondence concerning this application will be addressed to the address currently contained in the record until such time as proper instruction is received to the contrary.

The application file is being forwarded to Technology Center 2600 for re-mailing of the final Office action. The time period for reply will be set in the re-mailed Office action.

To reiterate, if petitioners desire to receive the newly mailed final Office action, and any other correspondence concerning this application, at an address other than that currently contained in the official application file, proper instruction and accompanying documentation must be **PROMPTLY** submitted.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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